

A

DOMINION LANDS

HAND-BOOK

**For the Information of the
Public**

**Issued by the Department of the
Interior, Ottawa, Canada**

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DOMINION LANDS

HAND-BOOK

FOR THE

Information of the Public

SURVEYS

The following information with reference to the sub-division of Dominion Lands and the monuments marking the section and quarter-section corners is given as a guide to settlers.

PLAN OF A TOWNSHIP

	N						
	31	32	33	34	35	36	
	30	29	28	27	26	25	
W	19	20	21	22	23	24	E
	18	17	16	15	14	13	
	7	8	9	10	11	12	
	6	5	4	3	2	1	
	S						

PLAN OF A SECTION

	N.				
	13	14	15	16	
	12	11	10	9	
W.	5	6	7	8	E.
	4	3	2	1	
	S.				

Townships are numbered from south to north and lie in ranges numbered east and west from the Principal meridian and west from the other meridians.

It will thus be seen that the number of the township, range, and meridian at once fixes the location of the township. Thus, township 50, range 2, west of the Fourth meridian would be the fiftieth township counting north from the International Boundary, lying in the second range, west of the Fourth meridian.

In the survey of these townships, except on a correction line or in some other such special case, only a single row of monuments is placed on a surveyed line to indicate the corners of townships, sections, or quarter-sections. These monuments are placed on the west limit of the road allowance on the north and south lines and on the south limit of the road allowance on east and west lines and on the line between the sections where there are no road allowances. Thus the monument marking the northeast corner of section 11 is placed at the exact corner; the northwest corner of section 12 is one chain (66 feet) to the east (across the road allowance); the southeast corner of section 14 is one chain to the north, and the southwest corner of section 13 is one chain east and one chain north.

In recent years, since the standard bronze capped survey post has been introduced, it is marked on the top with the numbers of the various sections, followed by the number of the township and range in which the sections lie.

Where the old style straight iron or wooden posts were used, they were marked on their southwest side with the number of the section at the top, followed by the number of the township and range.

The new style quarter-section post is marked similarly to the section post except that only the two sections affected in each case are marked. The old style quarter-section post was marked with the fraction $\frac{1}{4}$ (fraction-wise) only.

Where a corner falls in a spot unfavourable to the placing of a monument, the position of

the corner is marked by a witness monument placed at a suitable point near by on the survey line. The witness post is marked like a section post with the addition of the letters W t, as an abbreviation of "Witness", the distance in chains to the section or quarter-section corner it is intended to mark, and the letters N.S.E. or W. to indicate the direction of the true corner from the witness post. The old style witness post was marked on the side facing the corner with the distance in chains and the direction to the true corner, and on the opposite side with the number of the sections.

The section and quarter-section corners on both sides of a road allowance along correction lines are in all cases marked by two lines of monuments erected and marked independently for the townships on each side.

Further information with reference to survey monuments may be found in the Manual of Instructions for the survey of Dominion Lands, which may be obtained from the Topographical Survey Branch, Department of the Interior, Ottawa, at a cost of fifty cents.

In all cases of doubt, however, it is advisable to write to the Topographical Surveys Branch giving as full information as possible, with regard to conditions on the ground, and an accurate description of the inscriptions found on the posts.

AREAS "A", "B", and "C".

Available Dominion Lands have been divided into three areas as follows:—

AREA "A": Lands south of the south boundary of Township 16 in the Provinces of Saskatchewan and Alberta.

In this Area the right of entry is withdrawn. The right of an intending settler to apply for the cancellation of an existing entry is also withdrawn. Vacant and available Dominion Lands in Area "A" are, however, open for application for grazing leases.

AREA "B": Lands within the Lethbridge, Calgary and Moose Jaw Agencies in the Provinces of Saskatchewan and Alberta lying north of the north boundary of Township 15 and West of the 3rd Meridian. In the Prince Albert Agency Townships 31 to 37 inclusive, between the 3rd and 4th meridians, also Townships 38 to 43 inclusive, Ranges 1 to 10 inclusive, West of the 3rd meridian.

Any vacant lands in this Area are being made available either for settlement or for grazing lease, according to the quality of the land. In Area "B" application for the cancellation of an existing entry may be made subject to the general regulations in

that behalf, but the applicant for cancellation will only be given prior right of entry where it is shown after inspection, that the land is suitable for settlement.

AREA "C": This Area comprises all Dominion Lands lying to the north and east of Areas "A" and "B" in the Provinces of Manitoba, Saskatchewan and Alberta, and including the Peace River Block in British Columbia. The Dominion Lands Agencies comprised in Area "C" are as follows—

Winnipeg, Manitoba;
Dauphin, Manitoba;
Edmonton, Alberta;
Peace River, Alberta;
Grand Prairie, Alberta;

Part of the Prince Albert Agency, as follows:—

All townships north of and including Township 31, from Range 30 West of the 1st Meridian, to the 3rd Meridian.

Townships 38 to 43 inclusive from and including Range 11 west of the 3rd Meridian, westward to the 4th Meridian.

All Townships north of and including Township 44, between the 3rd and 4th Meridians.

That part of the Moose Jaw Land District lying north of the north boundary of Township 15, and east of the 3rd Meridian;

The disposition of available Dominion Lands in Area "C" will be continued as in the past, under the general regulations in that behalf.

ENTRY

What land available: All surveyed agricultural Dominion Lands (excepting "School Lands" and "Hudson's Bay Company's Lands") in Areas B and C., in the Provinces of Manitoba, Saskatchewan, and Alberta, and in the Peace River Block in the Province of British Columbia, which are not disposed of and not reserved or occupied, are open to homestead or soldier grant entry.

"School Lands" consist of sections 11 and 29 in each township.

"Hudson's Bay Company's Lands" consist of section 8 and the south half and the north-west quarter of section 26, in each township south of the north branch of the Saskatchewan river. In every fifth township, namely, townships numbered five, ten, fifteen, etc., the company acquired the whole of section 26.

Islands which are Dominion Lands in the Provinces of Manitoba, Saskatchewan, and Alberta are reserved from entry.

An entry for a homestead or soldier grant does not include the mineral or water rights.

Who may make Homestead Entry: Every person who is the sole head of a family, and every male who has attained the age of 18 years and is a British subject, or declares intention to become a British subject, is entitled to obtain entry for a homestead to the extent of one quarter-section, on payment of an entry fee of ten dollars.

A widow having minor children of her own dependent on her for support, is permitted to make homestead entry as the sole head of a family.

A widow who re-marries thereby ceases to be the sole head of a family, and is not eligible to make an entry.

How entry is made: Application for homestead or soldier grant entry may be made either at the Land Agency for the district in which the land is situate, or at the office of a Sub-agent authorized to transact business in the district.

Every applicant for a homestead or soldier entry shall make a declaration in the form prescribed that to the best of his knowledge and belief the land with respect to which his application is made is of the class open to entry and that there is no one in residence thereon, and shall state the improvements on the same, if any, and the value thereof. Where such declaration is subsequently found incorrect in any material particular, the entry shall be liable to cancellation.

Where applicant formerly held a similar entry for other land, he must produce and surrender the Departmental authority giving him the right to make a new entry.

If the applicant for homestead entry claims to be a widow, (whether or not she may be eligible for soldier grant entry), the application is to be accompanied by a declaration establishing her right as the sole head of a family which declaration must give the place and date of husband's death.

In any other cases where special authorization is furnished by the Department, it must accompany the application.

Application for entry by proxy must be accompanied by form 82A, or by authorization from person desiring entry (telegram or Power of Attorney not acceptable).

Applicants for entry will be required to sign an agreement acknowledging the right of any hay permittee to the full exercise of the powers given under any hay permit already issued affecting the land covered by the application for entry.

A person applying for soldier grant entry must produce:—

(1) Attestation Certificate from the Soldier Settlement Board, Ottawa, or

(2) Attestation Certificate from a District Superintendent of such Board, or

(3) Telegraphic or other authority from the Soldier Settlement Board, Ottawa.

He must also execute Form 325, showing what land he already holds. A person who owns 320 acres of farm land, or who owns farm land of a less area valued at \$5,000 or more, is not eligible for soldier grant entry unless specially recommended by the Board. (For further particulars see under the heading "Soldier Entry.")

The above applies where the holder of a pre-emption or purchased homestead asks to have the same converted into a soldier grant.

Entry before Sub-agent: When application for entry is made before a Sub-agent, such application must be transmitted to the Agent forthwith, and has no force or effect until received by him.

Notice of the receipt of the application may be wired by the Sub-agent, at the expense of the applicant, to the Agent, and in such case the land, if available, will be held until the application papers are received.

When a Sub-agent has received an application for entry for a quarter-section, he must not receive another application for the same quarter-section from any other person until the first application has been dealt with by the Agent.

Application for entry must be made by the applicant in person, except as follows:—

Entry by proxy (civilian): Application for homestead entry by proxy is permitted, in the

case of a person applying on behalf of husband, father, mother, son, daughter, brother or sister, when duly authorized to do so in the form prescribed. The proxy must appear before the Land Agent for the district in person. Application for entry by proxy cannot be accepted by a sub-agent.

The homesteader, on whose behalf such an entry is made, must, before the expiration of six months from the date of the entry, appear personally before the Agent (not a Sub-agent) and satisfy him by declaration as provided that he is already in residence or on his way to commence such residence, and in the latter case that he will be in residence before the end of the six months. Should he fail to appear, the Agent must cancel the entry without notice at the end of six months from date of entry. This applies only to civilians.

"Settler" under Soldier Settlement Act applying for Homestead entry by proxy: In the case of a "settler" as defined by the Soldier Settlement Act, who is eligible to make ordinary homestead entry, application for entry by proxy may be permitted not only in the case of a person making entry on behalf of a husband, father, mother, son, daughter, brother or sister, but also in the case of a person who for special reasons has been authorized by the Department of the Interior to make entry on behalf of such "settler."

Soldier Grant Entry by proxy: Application for soldier entry by proxy is permitted only in the case of a person making entry on behalf of a husband, wife, father, mother, son, daughter, brother or sister, when duly authorized to do so in the form prescribed, or in the case of a person who, for special reasons, had been given permission to make entry on behalf of a settler.

The proxy must appear before the Agent of Dominion Lands for the district.

The settler on whose behalf such entry is made must, before the expiration of six months from the date of the entry, appear personally before the Agent and satisfy him by declaration that he is already in residence or on his way to commence such residence, and in the latter

case that he will be in residence before the end of the six months. Should he fail to make appearance, the Agent shall institute cancellation proceedings.

Second Homestead Entry: Except as noted below, the privilege of entry for a second free homestead is restricted by the Dominion Lands Act to those who completed the duties on their first homestead to entitle them to patent on or before the 2nd June, 1889.

Any person who, on the first day of January, 1923, had obtained letters patent for a homestead, within that part lying south of the south boundary of township thirty-one of the tract known as the pre-emption and purchased homestead area, and defined by subsection one of section twenty-seven of The Dominion Lands Act, but who is no longer the owner of a farm, may, in the discretion of the Minister, be granted the right to make entry for another homestead subject to the provisions of The Dominion Lands Act, upon submitting proof of his bona fides as a settler in the form of a certificate from the Government of the Province setting forth that the said applicant conscientiously endeavoured to farm his land but failed because of circumstances not favourable to successful agriculture.

Entry Obtained by Fraud: When, in the opinion of an Agent, an entry has been secured under an assumed name or by misrepresentation, personation, perjury, or fraud of any kind, it shall be his duty to secure all available evidence and forward same to Head Office.

If fraud is established to the satisfaction of the Department, the entry will be immediately cancelled, and at the discretion of the Minister the entrant will be liable to loss of improvements or to the right to make a homestead entry, or both.

A homestead is for the sole use and benefit of the entrant, and neither directly nor indirectly for the use or benefit of any other person or persons whomsoever, and the violation of this provision renders the entry liable to cancellation.

ASSIGNMENT PRIOR TO ISSUE OF PATENT ILLEGAL

Except as noted below, an assignment or transfer or mortgage of a homestead or a purchased homestead, or of a pre-emption, or any part thereof, and any agreement to assign or transfer or mortgage a homestead, or a purchased homestead, or a pre-emption, or any part thereof, made or entered into before the issue of the letters patent is null and void, and the person so assigning or transferring or mortgaging, or making an agreement to assign or transfer or mortgage renders his entry liable to forfeiture. An exception is made in the case of an assignment of the homestead, pre-emption or purchased homestead of a deceased settler (see page 11), or an assignment made to a railway company of land required for the right of way or station grounds.

For the provision under which the holder of a pre-emption or purchased homestead may secure a Certificate of Recommendation entitling him to mortgage, assign or transfer his interest, see under heading "Certificate of Recommendation."

(See also under the heading "Trafficking in Dominion Lands.")

LANDS VALUABLE FOR TIMBER.

Timber Land Defined: A quarter-section containing more than twenty-five acres of "merchantable timber" is not open to entry either as a homestead or as a soldier grant. If entry is granted thereon it will be liable to cancellation.

An applicant is required to make a statutory declaration that the quarter-section applied for does not contain more than twenty-five acres of "merchantable timber."

Merchantable timber means spruce, jack pine, or tamarack suitable for lumber, railway ties or telegraph poles; or timber of poplar, birch, spruce, jack pine or tamarack suitable for building timber over 10 inches at butt.

If a quarter-section upon which there is not twenty-five acres of "merchantable timber" as above defined contains more than twenty-five

acres of timber suitable for cordwood or fence poles, it is not open to entry unless such entry is granted on the condition that it will be subject to the issue of permits upon the remainder of the quarter-section after the homesteader has selected and defined, subject to approval, twenty-five acres for his own use.

Lands included in timber berths are not available for entry.

SQUATTER BEFORE SURVEY.

A person who has bona fide settled and made improvement on agricultural land before the survey thereof, and is in occupation of and ordinarily resident on the land at the time of the survey shall, if he is eligible to make entry for a homestead, have a prior right to obtain entry for the land so settled on: Provided that this right is exercised within six months after notice in writing that the land is open for entry has been given by the local Agent to the said person or has been posted in a conspicuous place on the land; and that entry shall not be allowed for more than a quarter-section as a homestead.

And provided further that at the time of such person's first occupation of the land claimed the nearest surveyed line was more than half a mile from such land.

No person shall obtain any rights as a squatter before survey who settles on land reserved for Soldier Settlement after such land has been so reserved.

SQUATTER AFTER SURVEY.

Occupation of surveyed lands by squatting thereon without authority gives no right thereto, and all persons are warned that such occupation is illegal, and the squatter liable to ejectment and forfeiture of improvements.

PAYMENT FOR IMPROVEMENTS.

Before a person is granted entry for a homestead or soldier grant, he shall declare what improvements, if any, there are upon the land for which he applies, and shall pay to the Agent or Sub-agent the full amount of his valuation of such improvements. Should he

fail to make such declaration his entry shall be liable to cancellation.

In the event of uncertainty as to the correctness of the entrant's valuation, or if the value of the improvements is placed at over \$25, the Agent shall cause such improvements to be examined and valued by a Homestead Inspector. If a surplus has been paid, the excess amount may be refunded. If insufficient has been paid, the entrant must at once pay the difference, otherwise his entry may be cancelled.

Seed Grain charged against land: Where at the time an application for entry is made there is a charge against the land for Seed Grain, Fodder or other Relief advanced to any previous holder of the land, exceeding the value of the improvements which are then on the land, an applicant for entry shall, in addition to paying the value of the improvements, pay also the difference between the value of the improvements and the Seed Grain or other indebtedness of the former entrant. Where there are no improvements the full amount of such indebtedness shall be paid by the new entrant in a manner satisfactory to the Minister.

In the event of a "settler" under the Soldier Settlement Act applying for homestead or Soldier Grant entry for land against which there is indebtedness for Seed Grain, Fodder or Relief, such applicant may be permitted to secure entry without requiring any initial payment in connection with such indebtedness.

The payment by a new entrant of any amount on account of Seed Grain, Fodder, Relief or other indebtedness of the former entrant, shall not relieve such former entrant from his indebtedness and if subsequently such indebtedness is collected from the party by whom it was originally incurred, it may be credited to the new entrant.

REFUNDING MONEY COLLECTED FOR IMPROVEMENTS.

When an entry has been cancelled and the value of the improvements has been collected from the re-entrant, any amount due on account of municipal or school taxes by the person

entitled to the refund, may be paid to the municipality.

When a former entrant applies for a refund he will have to produce receipts showing that the municipal and school taxes assessed against himself in respect of the quarter-section affected, have been paid up to the date of the cancellation of the entry.

Any claim by the Department for advances of seed grain, etc., will be made a first charge on any sum collected for improvements.

Any balance remaining available may, in the discretion of the Department be refunded, as follows:—

- (1) To the former entrant on a personal written application from him, or to his legal representative in case of death, upon filing Letters of Administration.
- (2) To any person furnishing a satisfactory order given by the former entrant and signed by him. A general order will not be accepted. The order must be for a specified amount and made subsequent to the cancellation of the entry.

PERFECTING AN ENTRY.

The holder of a homestead or soldier entry is allowed six months from the date of his entry within which to perfect the same by taking possession of the land and beginning his residence duties in connection therewith. Any entry not so perfected within that period is liable to cancellation.

Protection: For cause shown, Head Office may protect an entry for an additional period of six months. This does not apply to entries made by proxy.

DECEASED HOMESTEADERS.

In the event of the death of an entrant for a homestead before the completion of the requirements for the obtaining of letters patent therefor, his legal representative shall only be required to fulfil the conditions as to cultivation in order to entitle him to obtain letters patent after the expiration of three years from the date of the entry for the homestead; or the legal representative may assign the homestead to a

person eligible to obtain a homestead entry; and the assignee shall, after

- (1) the expiration of three years from the date of entry for the homestead,
 - (2) holding the homestead for his own exclusive use and benefit from the date of the assignment, and
 - (3) completing the residence and cultivation requirements in the same manner as the person who made the entry would have been required to complete them,
- be entitled to letters patent for the homestead. The assignee does not thereby exhaust his homestead right.

After being appointed the assignee of a deceased homesteader, such assignee may then make homestead entry in his own name, and he may hold such homestead and perform the duties while acting as an assignee. No person can act as assignee for two different homesteads at the same time.

If a homesteader dies before perfecting entry by commencement of residence within six months, the entry becomes liable to cancellation. The Department may, however, on application extend the time for the performance of the duties if the legal representatives have taken out letters of administration, or have them in course of preparation, with intention of performing the required duties; but not in the case of a settler who has obtained a homestead entry by proxy unless he had personally appeared at the Agency, or commenced actual residence on the homestead.

When an entrant dies the relatives or heirs should, without delay, inform the Local Agent fully as to their intention of fulfilling the necessary duties and earning patent.

The above provisions apply with necessary changes to deceased entrants for purchased homesteads, pre-emptions and soldier grants.

INSANE HOMESTEADERS.

In the event of any person who obtained entry for a homestead becoming insane or mentally incapable, and by reason of such, insanity or mental incapacity, unable to com-

plete the requirements necessary for the obtaining of letters patent therefor, the guardian or committee of the said person or any person who, in the event of his death, would be his legal representative, shall only be required to fulfil the conditions as to cultivation, but the letters patent shall not be issued until the expiration of three years from the date of the entry.

If a homesteader becomes insane or mentally incapable before perfecting entry by commencement of residence within six months, the entry becomes liable to cancellation. The Department may, however, on application, extend the time for the performance of duties by the guardian or legal representative, but not in the case of a proxy entrant unless he had personally appeared at the Agency or commenced actual residence on the homestead.

The above provisions apply, with necessary changes, to purchased homesteads, pre-emptions and soldier grants.

CANCELLATION PROCEEDINGS.

NOTE.—The Department cannot accept an application to cancel an entry for land which is situated within the boundaries of a forest Reserve, or any other reservation of a general character. Applications to cancel are not accepted in Area "A".

An application to cancel is not accepted in any case where the only default is in the payment of principal or interest, or where the only default is that patent has not been applied for within the required time. Entries of any kind held by persons who have obtained advances under the Soldier Settlement Act are not open to cancellation proceedings at the instance of an intending settler. The Regulations regarding cancellation proceedings and applications to cancel must be read in connection with the fore-going.

Reasons for Cancellation: An entry in connection with which no loan has been made under the Soldier Settlement Act, is liable to cancellation—

(a) If the residence or cultivation duties or other conditions are not being fulfilled.

(b) If a homesteader is absent from the homestead for a period of over six months at any one time. For the protection of his own interests the entrant should keep the Local Agent informed of any change in his postal address.

(c) If obtained or granted under an assumed name, or by error, personation, misrepresentation, perjury, or other fraud.

(d) If the land is valuable because of merchantable timber upon it exceeding twenty-five acres in extent.

(e) If improvements upon the land have not been paid for or have been misrepresented.

(f) If an entrant executes an abandonment of his entry for a consideration, or assigns, or agrees to assign any right therein prior to issue of patent, except as provided by law.

(g) A reservation for a minor is liable to application for cancellation for non-fulfilment of the conditions, or if the same was obtained through error, misrepresentation or fraud.

Eligibility to cancel: An applicant for the cancellation of an entry is required to satisfy the Agent or Sub-agent that he is eligible to make entry.

Application to cancel an entry which is liable to cancellation may be made by a person eligible to enter for a homestead or for a Soldier Grant or by a minor who is at least seventeen years and six months of age, eligible to have a homestead reserved for him, and who files a declaration as to his eligibility.

Before an application to cancel is accepted from a woman claiming to be the head of a family, her eligibility to make an entry must first be established.

A returned soldier who has not exhausted his homestead right, and also possesses the required certificate showing that he is entitled to a Soldier Grant entry, may apply to cancel the entries for two different quarter-sections at the same time, provided such entries are properly liable to cancellation proceedings.

APPLICATION TO CANCEL.

Application for the cancellation of an entry liable to cancellation must be made in person

at the Land Agency for the district within which the land is situate, or at the office of a Sub-agent authorized to transact business for that district.

If the applicant for cancellation has formerly held an entry which has been cancelled (whether proxy or otherwise), he will require to produce the usual authority from the Department showing that he is entitled to re-enter.

When application for cancellation is made before a Sub-agent, such application must be transmitted to the Agent forthwith, and has no force or effect until received by him.

Notice of the receipt of the application may be wired by the Sub-agent at the expense of the applicant.

An application for cancellation will not be accepted or considered if made within six months of the date on which the entry was granted, unless such application is made on the ground of ineligibility or fraud. In such case the application may be accepted at any time after date of entry and must be accompanied by a statement on oath giving full particulars.

An applicant for cancellation may not make a second application until the first is disposed of.

The applicant for the cancellation of an entry is required to make a statutory declaration stating in what particulars the entrant is in default, also that he has visited the land affected, and that he has personally satisfied himself that the duties are not being properly performed. If his statement should subsequently be found to be incorrect in material points, the applicant will lose his right to enter for the land in case it should become available, or if the entry has been granted him it may be summarily cancelled.

When an application for cancellation is accepted by the Agent he shall, on the prescribed form, give the entrant sixty days within which to show cause why his entry should not be cancelled.

Should he fail to file a defence, his entry will be summarily cancelled by the Agent.

In the event of the entrant filing a defence, it must be submitted for consideration to Head Office.

DISPOSAL OF CANCELLED LANDS.

(See paragraphs dealing with disposal of lands in Areas A. B. and C.)

When an entry is cancelled by proceedings taken upon an application for cancellation, or when there is an application to cancel prior to cancellation, the applicant for cancellation is given thirty clear days to make entry.

Notice to the applicant must be sent by registered letter, and the Agent is not required to notify any other person in connection with the quarter-section.

Where thirty days' notice has been given by the Agent to any person to come forward and make entry and such person elects to make his application before a Sub-agent, it must be clearly understood that the application for entry, or telegraphic notice thereof, must be in the hands of the Agent of Dominion Lands before the thirty days have expired. Applications of this kind made before a Sub-agent, of which the Agent has no notice until after the thirty days have expired, are irregular and cannot be dealt with.

APPLICATION FOR LANDS NOT AVAILABLE DOES NOT GIVE PRIORITY.

An application made either in person or in writing for either homestead or soldier grant entry for land which is not at the time available for any reason, will not give the applicant any prior right with respect to such land in the event of its becoming available at a later date.

RESERVATIONS FOR MINORS.

An Agent may reserve an available quarter-section as a homestead for a minor over seventeen years of age, until he is eighteen, on the following conditions:

First.—His father, mother, brother, or sister must live upon his or her homestead, or upon farming land owned solely by him or her not less than eighty acres in extent, within nine miles of the quarter-section applied for, exclusive of the width of the road allowances crossed in the measurements.

Second.—The relative in question and the minor must both appear before the Agent or Sub-agent and make statutory declarations, giving the date of the minor's birth and the full name and residence of the relative. When this information has been satisfactorily furnished, the Agent may reserve the quarter-section, reporting to Head Office.

If the period of reservation includes the months of June and July, five acres of the land reserved must be broken during these months. Unless this requirement is complied with the reservation will become liable to cancellation.

Entry must be made within one month after the applicant reaches the age of eighteen years.

No reservation made for a minor may be withdrawn, except on the written application of parent, brother or sister, and the minor, and after approval by the Head Office.

When application for reservation is made before a Sub-agent, the Sub-agent may wire notice to the Agent at the expense of the applicant the same as for Homestead entry.

In the event of failure to apply for entry within the time specified in this section, the reservation shall cease and determine, and the land shall, after being posted ten days, be open to the first eligible applicant.

ABANDONMENT OF ENTRY.

Entries with Soldier Loans. Settlers who obtain advances from the Soldier Settlement Board are not entitled to the privilege of abandonment and re-entry in the ordinary way, but in special cases a transfer of entry may be allowed, provided applicant produces a letter from the District Superintendent of the Soldier Settlement Board certifying that there is no objection to such transfer. In a case of this kind duties will require to be performed afresh upon the new location. *The following regulations regarding abandonments apply only to entries where no soldier loan has been obtained.*

A homesteader may, by permission of Head Office, abandon his entry, and obtain authority to make another entry upon executing the prescribed declaration of abandonment.

Holders of pre-emption or purchased homestead entries cannot, if they abandon such entries, secure another entry of the same class.

A homesteader against whose entry there stands a government seed grain lien, and who has abandoned that entry, or whose entry has been cancelled by the Department, is only permitted to make another entry subject to the seed grain lien upon the abandoned or cancelled homestead being transferred to the homestead upon which he has been permitted to enter.

The abandonment of a homestead entry after cancellation proceedings against it have been begun does not affect the right of the applicant for cancellation.

Abandonment of Soldier Entry: The holder of a soldier entry who has not obtained an advance from the Soldier Settlement Board, may be granted permission to abandon the land entered for by him upon executing a declaration in the form prescribed, and obtain permission to make another soldier entry for any land available for the purpose.

Where a loan has been applied for but not completed, the party abandoning will require to produce, with his declaration of abandonment, a letter from the Provincial Representative of the Soldier Settlement Board, that the application for a loan has been cancelled.

Where no loan has been applied for the party abandoning should furnish a statutory declaration to that effect to accompany the declaration of abandonment.

Must be sent Agent for the District: Declarations of abandonment must be sent to the Agent of Dominion Lands for the District in which the land is situated. The Agent will immediately note such abandonment and forward it to the Department for action.

All declarations of abandonment must reach Head Office before permission will be given the applicant to re-enter. No abandonments by wire will be accepted.

Abandonment in favour of a Relative: Outside of the areas reserved for soldier settle-

ment, a homesteader whose entry is not a proxy entry, and is not the subject of cancellation proceedings may abandon the same in favour of a father, mother, son, daughter, brother, or sister, if eligible, upon filing the usual declaration.

Where a soldier entry is in good standing, and no soldier loan has been obtained, the entrant may be granted permission to abandon the land held under entry in favour of a father, mother, sister, daughter, brother, wife, or husband, if eligible to make a soldier entry.

Duties done by the entrant are not credited to the relative.

If there is a seed grain lien recorded against the land abandoned in favour of a relative as aforesaid, it will remain recorded against the land when entered for by such relative.

When an entry has been abandoned in favour of a relative and such relative is granted re-entry for the land, the latter will not be permitted to re-abandon in favour of the former entrant, or another relative, unless good reasons are shown for the desired action. Cases of this kind are to be referred to Head Office for decision.

Abandonment of Proxy Entry: An abandonment in favour of a relative, executed by a settler who holds a proxy entry, will only be accepted provided the entrant has appeared before the agent for the district and has filed the usual statutory declaration on Form "82C", and further satisfies the Agent by statutory declaration that he (the entrant) has lived upon the land for a period of not less than thirty days.

Cannot abandon in favour of a Minor: An entrant is not permitted to abandon his entry in favour of a minor relative in order that it may be reserved under the provisions relating to "Reservation for Minors."

Cannot abandon to Locate Half-breed Scrip: The abandonment of an entry in favour of a relative or any one else for the purpose of locating Half-breed Scrip, is not allowed.

HOMESTEAD DUTIES.

(a) Residence Duties.

A homesteader is required to perform the residence duties by residing in a habitable house on his homestead at least six months in each year during a term of three years.

Residence Defined: "Residence," or "Residence Duties" for the purpose of the homestead law means actual and bona fide residence in a dwelling house by the entrant in person upon the homestead, or in accordance with the vicinity provisions. Residence duties cannot be done by a member of the homesteader's family or by any other person as proxy on his behalf.

Sleeping on Homestead: Sleeping on a homestead at night for a period of six months in the year, while following elsewhere during the daytime a trade or calling other than agriculture, will not be accepted as residence within the meaning of the Act, unless the residence of the homesteader is established by his family living continuously on the homestead during such period of residence, and by the homestead being his own sole place of abode during such period.

Where it is shown that a homesteader teaching school during the day makes the land his home in good faith, sleeping there at night, besides performing the necessary cultivation duties, residence may be accepted as satisfactory, but no exemption will be allowed from the performance of any of the duties.

Military Training: A homesteader may be permitted to count as actual residence performed on the homestead, the time spent undergoing annual training in military instruction camps, not exceeding 18 days, provided a certificate from his commanding officer is submitted, showing that the time involved was actually spent in training.

Residence for six months in each of three years, after homestead entry, satisfies the residence requirement necessary to entitle the entrant to patent, without regard to periods during each year when the residence was done,

but absence from the land for more than six months at any one time renders the entry subject to application for cancellation.

Residence for any period less than thirty consecutive days is not accepted as constituting residence for the purpose of perfecting an entry or of establishing an entrant in good standing where cancellation proceedings are pending.

Homestead Year: Homestead duties must be performed during a period of three years. Residence may be calculated:

- (1) from date of entry, or,
- (2) from date of commencement of residence either before or after entry, or,
- (3) from any date subsequent to date of entry or date of commencement of residence, or,
- (4) the performance of six months' residence in each of three calendar years.

Residence while land stands in name of another person will not be accepted.

Residence by the family only cannot be counted towards patent; but residence by the family admits of liberal protection in the case of an ordinary homestead entry.

(b) Residence in the Vicinity.

The term "vicinity" is defined as meaning not more than nine miles in a direct line, exclusive of the width of the road allowances crossed in the measurement.

A homesteader may, if he so desires, perform the required residence duties by living on a farm owned solely by him, not less than eighty (80) acres in extent, in the vicinity of his homestead. Joint ownership will not meet this requirement.

Residence on Soldier Grant: When an ordinary homestead and a soldier grant are held by the same person and the two quarter sections are within nine miles of each other, residence on one of such quarter-sections will be counted as residence duties in connection with the other but no part of the residence claimed by a settler towards obtaining patent for a soldier grant shall be counted as residence in connection with his homestead.

Similarly, no residence claimed in connection with a homestead shall count as part of the duties in connection with a soldier entry.

Residence with Relatives: If the father, mother, son, daughter, brother or sister of a homesteader has a permanent residence on a farm owned solely by him or her, not less than eighty (80) acres in extent, in the vicinity of the homestead, or upon a homestead, purchased homestead, pre-emption, or South African Volunteer Scrip grant, entered for by him or her in the vicinity, such homesteader may perform his own residence duties so far as his homestead is concerned, by living with such relative.

The privilege above mentioned is also extended to include residence with the following relatives:

Step-father, step-mother, step-brother, step-sister, step-son, step-daughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, half-brother and half-sister.

A homesteader intending to perform his residence duties while living on a farm owned by himself, or by a relative, in the vicinity, must notify the Agent for the district of such intention, and keep him informed as to his post office address. Otherwise his entry is liable to become the subject of cancellation proceedings.

When residence has been performed in the vicinity, a dwelling house is not required on the homestead.

A settler holding both homestead and pre-emption may fulfil the residence duties in connection with his homestead by living upon his pre-emption, but in this event he will not be able to obtain patent for his homestead until he has earned patent for his pre-emption. The Department will, however, on application, interchange the entries without fee.

(c) Ownership Defined.

Ownership of land in the vicinity of a homestead, when duties are being performed under the vicinity provisions, means that during the entire period of residence while earning patent, the land must either:

(a) be vested in the homesteader or relative as the case may be, or,

(b) be held by such homesteader or relative under bona fide agreement of sale.

Before the patent will issue, ownership must, if the title is vested in the homesteader or relative, be established by the production of proof of the date of the commencement of ownership and by the production of abstract of title showing ownership at time of application for patent.

An agreement of sale will be accepted as proof of ownership if the instalments of the purchase money accruing under the agreement have been fully paid to the date of application for patent for the homestead, and if at least one-third of the total purchase price has been paid at that date.

If after performing residence on the homestead, the entrant completed the residence requirements by living on purchased land, instead of one-third of the total purchase price being required to have been paid at the date of application for patent, it will be satisfactory if an amount has been paid proportionate to the length of residence on the purchased land.

If a homesteader performs residence on purchased land, and then completes the residence requirements by living on the homestead, proof of ownership during the time of residence on the purchased land must be produced, together with evidence of payment of instalments then accruing thereunder, which must total an amount proportionate to the length of residence on the purchased land. In this case it is not necessary that he should be the owner of the purchased land at the date of application for patent.

In the event of doubt as to whether the proportion paid may be accepted as sufficient, the case should be submitted for acceptance or refusal at the discretion of the Commissioner.

Ownership of land by the wife or husband of a homesteader is accepted as ownership by the homesteader, but an entrant is not permitted to perform duties by residing on unpatented land held under entry or under unpatented Volunteer Bounty scrip location by his wife.

Residence with the wife will count if the purchased land is held by her under agreement of sale, provided at least one-third of the purchase money is paid and instalments are paid to date, and that the ownership covers the periods of such residence.

Ownership of land by an entrant or relative in trust is not accepted.

Dominion Lands Agents are authorized and required to investigate fully any cases in which they have reason to think that the ownership is not bona fide; and no agreement of sale will be accepted if it is found to be fraudulent or not made in good faith or for good consideration.

(d) Cultivation Duties.

In all cases the land must be worked during each of three years, and a reasonable proportion of the breaking is required to be seeded in two of such years.

The following regulation respecting cultivation duties applies to all homestead entries made **on and after the 1st June, 1908:—**

A homesteader who resides on his homestead is required to break a total of at least 30 acres of the homestead (of which 20 must be cropped) before applying for patent.

When the duties are being performed under the regulations permitting residence in vicinity the total required to be broken will be at least 50 acres (of which 30 must be cropped.)

Wooded Lands: Entrants are expected in every case to bring the required area under cultivation. Where they have been unable to fully meet the requirements by reason of woods, rock, or the broken character of the surface, the area required may be reduced at the discretion of the Minister, and application for patent will be taken subject to acceptance by the Agent and Department after inspection and report by a Homestead Inspector; but inspections of land of this character are not made prior to application for patent.

STOCK.

If a report from a Homestead Inspector shows that a quarter-section held as a homestead or a purchased homestead, or a half-section held

as a homestead and pre-emption, does not contain arable land to the extent required to obtain patent under the regulations with respect to cultivation, authority will be granted to the entrant to substitute stock for breaking and seeding.

If this privilege is granted, the entrant will be required to show, when making application for patent, that he has been the sole owner of stock as follows:—

On Homesteads:

During the whole of the first year, at least five head of stock;

During the second year, at least ten head of stock;

And from and after the expiration of the second year, up to the date of application for patent, at least sixteen head of stock.

In the case of a quarter-section having a smaller area than one hundred and sixty acres, the number of stock required to be owned and kept thereon may be proportionately reduced.

For number of stock required in connection with pre-emption or purchased homestead, see under the heading "Pre-emption Duties," and "Purchased Homesteads."

Definition of Stock: The term "Stock" in this hand-book, includes cattle, that is, cows or bulls and their young, and horses, male and female and their young. Sheep and hogs are also included.

If sheep and hogs are kept, ten sheep or ten hogs, or ten sheep and hogs, will only be reckoned as the equivalent of one head of stock, that is, equal to one horse, or one cow.

Must be kept on Land: All stock must be kept on the homestead, pre-emption, or purchased homestead, as the case may be, either for summer grazing or for winter feeding.

Buildings: Substantial buildings for the accommodation of the whole number of stock to be kept in any year, shall be erected and maintained to the satisfaction of the Minister during the whole period such stock is to be kept and solely owned by the settler; and such buildings shall be erected upon the homestead, pre-

emption, purchased homestead, or upon any land upon which the settler is entitled to perform residence duties.

Yearly Declaration: The entrant or, in the case of his death, his legal representative, shall furnish to the Minister a statutory declaration, duly made and completed according to law, promptly after the expiration of each year during the period that he has kept stock upon his land, setting forth the numbers he has kept thereon during such year or period, and that they are and have been during that year or period, as specified in the statutory declaration, solely owned by him.

Fencing: The whole of the land entered for, shall be enclosed by a substantial fence to the satisfaction of the Minister.

Inspection before Patent: No patent shall be issued for a homestead, pre-emption or purchased homestead upon which stock is kept until a report made by a Homestead Inspector has been filed in the Department of the Interior, showing that the provisions of the regulations with respect to stock have been complied with.

APPLICATION FOR PATENT.

Application for patent may, after completion of the duties, be made by an entrant before an Agent, or before a Sub-agent for the district.

Application for patent must not be taken until the full three years have completely elapsed from the date of entry, unless in the case of a squatter before survey.

Evidence must be taken only from disinterested witnesses who were actually resident in the locality during the period covered by their evidence, and who are able to testify from their personal knowledge and not from hearsay, and who are not members of the entrant's family. Witnesses should be of the full age of 18 years.

An intending applicant for patent is required to produce two disinterested witnesses who are able to corroborate his statements in the regular way. The witnesses are expected to accompany the applicant, but if for any unavoidable cause this is not found possible, the application for

patent will be taken, but it will then be necessary for the applicant to arrange for his witnesses, or either one of them, to appear at a later date.

The Department will not be responsible for arranging for the attendance of witnesses, and if they do not appear within a reasonable time the application for patent will be cancelled.

When at all possible, it is very much to the advantage of the applicant to have both witnesses appear with him.

Failure on the part of a homesteader to apply for patent within a period of five years from the date of entry renders his right to the homestead liable to forfeiture.

NATURALIZATION.

Patent cannot be issued to any entrant who is not a British subject by birth or naturalization, with the undermentioned exceptions, namely:—

(a) An alien legal representative of any deceased entrant, whether such an entrant was British subject or not;

(b) An alien entrant who has become insane or mentally incapable;

(c) An alien entrant who has died while on active service during the European war with any of the military or naval forces of His Majesty or of any of the Allies of His Majesty;

(d) An alien entrant who is unable to obtain a Certificate of Naturalization as a British subject owing to his inability to comply with the conditions of the Naturalization Act by reason of the said alien being on active service during the said war with any of the military or naval forces of His Majesty or of the Allies of His Majesty;

(e) An alien female entrant who has been granted entry for a homestead and who is prevented by the provisions of the Naturalization Act from becoming a British subject.

(f) An alien entrant who has been refused a Certificate of Naturalization on the grounds that he has not an adequate knowledge of either the English or French language.

An alien who has not resided in the British Dominions, or been in the service of the Crown,

for the period necessary for naturalization under the Naturalization Acts, 1914 and 1920, shall be entitled to obtain letters patent for a homestead in the same manner as if he were a British subject: Provided that he satisfy the Minister of the Interior that in all respects save such a period of residence or service he is qualified to be naturalized and declare upon oath his intention to be so naturalized as soon as he has completed such period of residence or service.

Naturalization of Children of Aliens:—

Where the applicant for patent claims to be a British subject because his father or his mother secured a Certificate of Naturalization under Chapter 77, R.S.C., 1906, the Certificate of Naturalization should be produced, and a declaration will be required from the applicant showing that he became resident in Canada during infancy with his father or his mother, as the case may be.

Where the parent of the applicant for patent has been naturalized under the Naturalization Act, 1914, or any later Act, the Certificate of Naturalization of the parent must be produced, **showing the applicant's name included therein**, and the applicant must also submit a statutory declaration that he has not made a declaration of alienage.

Where the parent's Certificate of Naturalization cannot be produced for any reason, the full name of the parent and the date of the Certificate must be furnished.

Certificate of Recommendation.

On the completion of the requirements for obtaining letters patent for a pre-emption or a purchased homestead, other than the payment for the same, an application for patent may be made without immediately tendering payment in full, and in such a case the holder of the entry may, on application to the Minister, receive a certificate of recommendation setting forth that if within the period of time during which the certificate of recommendation is in force, payment is made in full of the purchase price, together with accrued interest, patent shall issue in the name of the holder of the entry; and such

certificate shall entitle the holder of the entry during such period of time to mortgage, assign or transfer his interest in the land with respect to which the certificate of recommendation is issued. At the expiration of one year from the date of the issue of such certificate of recommendation the same shall become null and void, but the operation of it may be extended in the discretion of the Minister.

When the holder of a certificate of recommendation executes an assignment or mortgage, no registration of such assignment will be made in the Department, but the assignee or mortgagee will find it in his interest to search title and effect registration in the local Registry Office in the same way as if he were dealing with patented land.

TRAFFICKING IN DOMINION LANDS.

Except as provided by law in the case of a deceased entrant, or in the case of land required by a Railway Company for right-of-way or station grounds, an assignment, transfer, or mortgage of a homestead, purchased homestead or pre-emption, or any part thereof, or an agreement to assign or transfer or mortgage, made before the issue of patent, is null and void, and the person so transferring, assigning or mortgaging, or agreeing to assign or transfer or mortgage, is liable to forfeit his homestead, his purchased homestead or his pre-emption.

Any person who receives, directly or indirectly any consideration of any kind in connection with the abandonment of an entry held by him, shall be liable to the cancellation of his entry, and forfeiture of his right to re-enter, at the discretion of the Minister.

The person paying, or instrumental in paying, directly or indirectly, such consideration, shall be liable to forfeiture of his right of entry at the discretion of the Minister.

Every one is guilty of an indictable offence and liable to two years' imprisonment who buys, trades or sells, or professes to buy, trade or sell land, or any interest in or control of land open to homestead entry or for which entry has been granted, before patent therefor has been issued.

For the provisions under which the holder of a pre-emption or purchased homestead may secure a Certificate of Recommendation, entitling him to mortgage, assign or transfer his interest, see under heading "Certificate of Recommendation."

RECEIPTS FOR MONEY.

A Dominion land Agent, Crown Timber Agent, Sub-agent, or any other Agent, officer or clerk of the Department of the Interior who receives money for the Department is required to issue a receipt therefor, made out on the regular printed form supplied by the Department, for each and every sum of money so received immediately on its acceptance by him.

Any person paying money for any purpose to a duly appointed Agent or official of the Department should obtain from him a receipt on a regular departmental receipt form. A receipt issued on any other form will not be recognized by the Department as valid.

INFORMATION FOR INTENDING SETTLERS.

On payment of a fifty cent fee, an intending settler may secure a certificate from the Agent setting forth the following information in regard to any quarter-section:—

Name of entrant.

Date of entry.

If cancellation proceedings outstanding, date when sixty days' notice expires.

If under protection, when same expires.

PRE-EMPTION DUTIES AND PRICE.

The privilege of pre-emption entry has been withdrawn. The following information in regard to pre-emptions is only included for the information of those who secured their entries prior to the withdrawal of the pre-emption privilege.

The homesteader becomes entitled to patent for his pre-emption by:

Residence: Residing for six months in each of three years on either his homestead or pre-emption, after earning homestead patent.

If a settler has disposed of his patented homestead, he may be given credit in connection with his pre-emption for any residence performed on his patented homestead up to the date of the sale thereof, provided he furnishes, when making application for patent for his pre-emption, the usual proof of ownership of the homestead quarter-section during the period he was living on it.

The settler cannot be allowed to count residence on the homestead after he has sold it, under any circumstances.

House: Erecting a dwelling house on his homestead or pre-emption.

Cultivation: Cultivating 50 acres of either the homestead or the pre-emption, or both (in addition to the acreage required for the completion of homestead duties), a reasonable portion of which must be done in each of three years.

If he does not own his patented homestead when he comes to apply for pre-emption patent, he will have to show 50 acres of breaking upon the pre-emption, of which thirty acres must have been seeded.

There is provision for reducing the area of cultivation required for a pre-emption, because of extra difficulty or expense in breaking, in the same manner as in the case of a homestead.

Stock on Pre-emption: Upon proof being furnished in the form of a Homestead Inspector's report that any half-section held as a homestead and pre-emption does not contain arable land to the extent required to earn patent under the regulations with respect to cultivation, the entrant will be permitted to substitute stock.

In the case of a pre-emption, the entrant shall be required to show when making application for patent that he has had upon his homestead or pre-emption, or on both, stock to the number of a least five head during the first year of performance of duties; during the second year stock to the number of at least ten head, and after the expiration of the second year and up to the date of his application for patent for his pre-emption, stock to the number of at least twenty-four head.

For further details as to keeping stock on land, yearly declaration, buildings and fencing, and inspection before patent, see paragraphs under the heading "Stock."

Payment: Paying for the pre-emption at the rate of three dollars an acre.

One-third of the total amount of the purchase money must be paid on the expiration of three years from the date of the receipt for the pre-emption fee, and the balance of the purchase money is payable in five equal successive annual instalments.

An instalment falling due before 1st Sept., 1919, which is not paid upon the date when it becomes due, shall bear interest at the rate of five per cent per annum from such date until the 1st Sept., 1919, and thereafter it will bear interest at seven per cent per annum until it is paid. Instalments falling due after the 1st Sept., 1919, will bear interest at seven per cent until paid.

Default in payment of interest or of instalments when due renders the pre-emption liable to cancellation by the Department.

Patent: Patent may be claimed at any time after completion of duties on paying the price in full, and unless claimed within eight years the pre-emption may be cancelled by the Department.

For the provision under which the pre-emptor, after completing duties, can make application for patent without tendering payment, and secure a Certificate of Recommendation entitling him to mortgage, assign or transfer his interest, see under the heading "Certificate of Recommendation."

Pre-emption Patent Without Completing Three Years' Residence: Upon proof being furnished by the holder of a homestead and pre-emption that he has complied with the conditions to earn patent for his homestead, he shall be entitled to apply for patent for the pre-emption and to secure a Certificate of Recommendation, upon submitting proof in the manner provided by the Act, that he has broken and prepared for crop the whole additional

area of fifty acres called for in connection with his pre-emption entry.

(NOTE: If he has sold his patented homestead he must show that he is performing the requisite settlement duties in a habitable house upon the pre-emption, and that he has the whole of the required fifty acres broken and prepared for crop on **the pre-emption.**)

If proving up for the pre-emption **by stock**, he must show that he has had upon his homestead, or on the pre-emption, or on both, stock to the number of:—

Five head during the first year of the performance of duties for such homestead and pre-emption;

During the whole of the second year, stock to the number of at least ten head;

And after the expiration of the second year, up to the date of his application for patent, to the number of at least twenty-four head;

And that he has fully complied with all the other requirements of the regulations up to the time of making proof.

A settler who earned patent for his homestead by residence in the vicinity, may apply for patent **at once** for his pre-emption, by showing the necessary cultivation or stock, but if he delays applying for his pre-emption patent for more than six months after completing the duties to entitle him to homestead patent, he will require to show that he is in residence on the pre-emption, or on the homestead, if still the owner thereof and otherwise complying with the law.

Where any holder of a pre-emption entry is unable to obtain patent for his pre-emption under the preceding paragraph solely by reason of his residence duties being in default, he may secure patent for same by paying in addition to the usual purchase price of his pre-emption together with accrued interest, the extra price of three dollars per acre.

CANCELLATION OF PRE-EMPTION.

If an entrant for a pre-emption fails to fulfil in any year the requirements of the Act in respect to his homestead or pre-emption, the Minister may cancel the pre-emption entry.

A pre-emption entry will be cancelled if for any reason the homestead entry to which it is attached is cancelled.

PURCHASED HOMESTEADS.

The privilege of purchased homestead entry has been withdrawn. The following information in regard to purchased homesteads is for the benefit of those now holding entries of this class.

The homestead purchaser becomes entitled to patent by:—

Residence: Residing for six months in each of three years subsequent to date of entry upon the purchased homestead.

If the entrant for purchased homestead resides upon his own farm, or a farm owned and occupied by his wife, of not less than eighty acres, within nine miles of the purchased homestead, exclusive of the width of the road allowances, crossed in the measurement residence upon such farm is accepted as residence upon his purchased homestead.

Residence with relatives in the vicinity is not allowed.

House: Erecting upon it a habitable house of a value of at least \$300. If the residence duties are performed upon the patented free homestead or purchased land in the vicinity, as above set forth, it will not be necessary to build a house upon the purchased homestead, but it must be shown that there is a \$300 house on the land where the residence has been performed.

Cultivation: Cultivating 50 acres of the land, a reasonable proportion of which must be done in each of three years, during two of which the breaking must be in crop.

There is provision for reducing the area of cultivation required for a purchased homestead because of extra difficulty or expense in breaking the same as in the case of an ordinary homestead.

Stock: Upon a report being obtained from a Homestead Inspector that the purchased homestead does not contain arable land to the

extent required to earn patent under the regulations, the entrant will be permitted to substitute stock for breaking and seeding.

If permission to substitute stock is granted the entrant will be required, when making application for patent for his purchased homestead, to show that he has had thereon stock solely owned by him as follows:

During the whole of the first year to the number of at least five head;

During the whole of the second year to the number of at least ten head;

And from and after the expiration of the second year up to the date of his application for patent, to the number of at least sixteen head.

All stock shall be kept on the purchased homestead, either for summer grazing or for winter feeding.

For details as to yearly declaration, buildings, fencing and inspection before patent, see paragraphs under the heading "Stock."

Payment: Paying for it at the rate of \$3 per acre.

Payment must be made one-third at the date of entry and the balance in five equal annual instalments. Every instalment falling due before the 1st Sept., 1919, which is not paid upon the date on which it becomes due, shall bear interest at the rate of five per cent per annum from such date until the 1st Sept., 1919, and thereafter it will bear interest at seven per cent per annum until it is paid. Instalments falling due after the 1st Sept., 1919, will bear interest at seven per cent until paid.

If the entrant so desires, he may make payment in full for his purchased homestead and obtain letters patent forthwith upon the completion of the required settlement duties.

The holder of an entry for a purchased homestead who cannot pay in full for the land may apply for patent as soon as the duties have been completed, if the required time has elapsed from the date of entry, and thereby secure a Certificate of Recommendation, entitling him to mortgage, assign or transfer his interest. (See under "Certificate of Recommendation.")

Default in payment of interest or instalment when due renders the purchased homestead liable to cancellation by the Department.

If patent is not applied for within five years from the date of entry, the entry may be cancelled by the Department.

If an entrant for a purchased homestead fails in any year to fulfil the requirements of the Act in respect thereto, the Minister may cancel the entry.

PRIORITY GIVEN TO RETURNED SOLDIERS IN APPLYING FOR ENTRY FOR LANDS POSTED OR ADVERTISED.

Returned soldiers as defined under the heading of "settler" (see "Soldier Settlement Land Regulations") who have served overseas and who have been honourably discharged, have prior right of entry for a period of one day in the event of lands becoming available for settlement, after the same have been advertised or posted.

Any such applicant must be eligible for entry under the Dominion Lands Act and the amendments thereto, or regulations thereunder, and he must agree to fulfil the settlement conditions thereby prescribed.

Applicants will be required to assume the seed grain liability of previous entrants in accordance with the general rule governing cases of that kind.

The matter of improvements will be dealt with under the general rules.

The provisions of this rule will not be of any assistance to men over military age, or men who being of military age have been turned down as medically unfit and have not been overseas.

Returned soldiers applying for entry on the date set apart for them must produce certificate of honourable discharge from the military service, failing which, their certificate for entry shall not be accepted on that date. On the day so set apart for prior application by returned soldiers, no concessions shall be extended to any returned soldier who makes application for entry at the office of any sub-agent.

SOLDIER SETTLEMENT LAND REGULATIONS.

Definitions.

In the following regulations, unless the context other requires,

“Act” means “The Soldier Settlement Act.”

“Board” means “The Soldier Settlement Board.”

“Soldier Entry” means a free entry on Dominion Lands granted to a “settler” recommended by the Board.

“Soldier grant” means the Dominion Land for which a soldier entry has been granted under these regulations.

“Settler” means a person who at any time during the war has been therein engaged on active service in a military force,—

(1) of Canada—and has served out of Canada; or, wherever he may have served is, by reason of disability incurred or aggravated as the result of such service, in receipt of a pension; or,

(2) of His Majesty or of any of His Majesty's Allies—and, being ordinarily resident in Canada when he enlisted in or otherwise became a member of such force, has served thereafter out of Canada, in a theatre of actual war; or,

(3) of His Majesty or of any British Dominion or Colony—and has served out of the country wherein he enlisted or otherwise became a member of such force in a theatre of war; and has been otherwise than dishonourably discharged from such force, or has been permitted to honourably resign or retire therefrom, or, without fault on his part, has been dispensed from further service therein; and the widow of any person who died on active service and who but for his death, might be a settler as now defined, shall be capable of being a settler in her deceased husband's right.

The right to benefit under these regulations is extended to any person who has been certified to by the Board as a “Settler” within the meaning of the Act and who has been recommended by the Board for benefits thereunder.

Application to Board.

Any person deeming himself qualified as a settler and desiring to obtain the benefit of these regulations shall submit to the local Superintendent of the Board such information as will enable him to determine that the applicant is one to whom the Act applies. This information must be furnished on the Preliminary Information Form supplied by the Board, blank copies of which may be obtained on application, and the applicant may be required to appear in person for examination or to submit such further evidence as the Board may require in order that his eligibility may be established.

Applicants who desire to take up Soldier Grant entries on Dominion Lands but who are not in possession of Attestation Certificates should apply to the nearest district superintendent of the Soldier Settlement Board.

Soldier Entry.

Soldier entry on Dominion Lands under the provisions of these regulations may be granted to any person certified to be a "Settler" by the Board, but unless the Board shall for special reasons otherwise recommended, no such free grant shall be made to any settler who,—

- (a) has, pursuant to the provisions of the Soldier Settlement Act, 1919, purchased from the Board any land; or,
- (b) has, pursuant to the provisions of the said Act or of the former Act, secured from the Board any advance of money for the clearing of encumbrances on, or the purchase of, or the improvements of, any land; or,
- (c) is owner of or has a vested possessory interest in agricultural land of such area as, in the opinion of the Board, constitutes an average farm for the district within which the land is situated, or which, in the opinion of the Board, is of the value of five thousand dollars.

Every applicant for soldier entry shall be required to make a declaration in the form prescribed that he is not by reason of the foregoing provisions debarred from such entry. Where such declaration is subsequently found

incorrect in any material particular the entry, if granted, shall be liable to cancellation.

N.B.—Settlers who may have secured small loans on their homesteads for live stock, equipment, permanent improvements or removal of encumbrances, but who have not purchased land from the Board or are not the owners or holders of vested possessory interest in land constituting an average farm for the district, may apply to the District Superintendent of the Soldier Settlement Board for a special letter of authority to secure soldier grant entry, provided the land so entered is within 9 miles of the quarter-section held under homestead entry.

Lands open to Entry.—The right of soldier entry may be exercised by any settler qualified as such under the Act on any quarter-section of Dominion lands which is open to ordinary homestead entry. Information as to whether any particular quarter-section is open to entry may be secured on application to the Agent of Dominion Lands for the District.

No fees shall be charged in connection with a soldier entry, but the applicant is required to pay the value of the improvements, if any, on the land, and any charge or indebtedness against the land.

PRIOR RIGHT OF ENTRY.

Squatter and Adjoining Settler.

A person who has bona fide settled and made improvements on agricultural land before the survey thereof, and was in occupation of and ordinary resident on the land at the time of survey shall, if eligible to make entry for a soldier grant under these regulations, have a prior right to obtain entry for the land so settled on: Provided that this right is exercised within six months after notice in writing that the land is open for entry has been given by the Agent to such settler, or has been posted in a conspicuous place on the land; and that entry shall not be allowed for more than a quarter-section as a soldier grant.

The occupation of land after the survey thereof, without entry as provided by these regulations, gives the occupant no right thereto,

and the occupant may be ejected as a trespasser, and his improvements forfeited to the Crown.

On the day on which any land is to be made available for entry after being advertised or posted, the privilege of entry thereon shall be restricted to a settler eligible to make entry who holds an adjoining quarter-section under homestead or soldier entry, or who obtained homestead patent for such quarter-section and is still the owner thereof, or who was a squatter before survey on such quarter-section. Adjoining quarter-section means one lying alongside or separated by road allowance only.

Conflicting Claims.

In the event of there being more than one applicant claiming the prior right of entry under the preceding section, the priority of their claims shall be determined by the priority of the dates of their respective entries, or the commencement of residence in the case of squatters before survey.

To ensure due consideration being given to the rights of all persons claiming priority, the Agent shall receive all applications for entry offering under the preceding section, if requested to do so, but shall issue no certificate of entry for such land until the close of the office hours of the day on which the prior right of entry is considered, or until the morning of the following day:

Provided that if the Agent is advised by wire or otherwise on such day by a Sub-agent of the receipt by him of an application for entry from a person claiming a prior right of entry for the land affected, and it is evident from the records that such person, by reason of the priority of date of his entry for or commencement of residence on the adjoining homestead, has a better claim than any of the other applicants appearing in person, the Agent shall hold the land until such application made before the Sub-agent has been received:

Provided further that if on account of sickness or other satisfactory reason shown to the Agent, a settler who according to the records has a prior right of entry over all other applicants

is unable to appear in person on such day, the Agent may hold the land for such settler for a reasonable length of time.

If any land, after having been posted, has not been entered for by an adjoining settler on the first day on which such land became available for entry, or if it has not been reserved for any of the reasons above mentioned, it shall be open for entry on the following day to any settler eligible to make entry under these regulations.

CONDITIONS OF ENTRY.

A soldier entry shall be for not more than a quarter-section of one hundred and sixty acres more or less.

A soldier entry does not include the mineral or water rights.

Every entry shall be granted subject to the right of the province to take without compensation at any time prior to the issue of letters patent any land which may be required for road purposes, not exceeding four acres in a quarter-section.

Every entry shall be for the sole use and benefit of the holder of the same and not for the use or benefit of any other person or persons whomsoever.

The holder of a soldier entry may, if deemed necessary, be required to furnish proof, by declaration or otherwise, that he is performing his settlement duties in each year subsequent to entry.

Timber: A quarter-section of land upon which there is not more than twenty-five acres of "merchantable timber," but upon which there is more than twenty-five acres of timber suitable for cord-wood or fence poles, is not open for entry, unless such entry is granted on the condition that it will be subject to the issue of permits upon the remainder of the quarter-section after the entrant has selected, subject to approval, twenty-five acres for his own use.

Water-power: If, after an entry is obtained, it is ascertained that the land entered for, or any portion thereof, is necessary for the protection of any water supply or for the location

or construction of any works necessary to the development of any water-power, at any time before the issue of letters patent, the entry may be cancelled or any part of the land entered for may be withdrawn from the entry but where the land is required for the location or construction of works necessary for the development of any water-power, only in so far as the land is necessary for that purpose: provided, however, that no entry shall be cancelled under the provisions of this paragraph until the entrant has been compensated for any improvements made by him upon the land, the amount of such compensation to be fixed by arbitration if the entrant refuses to accept the compensation allowed by the Board.

SETTLEMENT DUTIES.

General Requirements.

Every holder of a soldier entry shall, except as hereinafter otherwise provided, be required before the issue of letters patent,

(a) to have held the land for his own exclusive use and benefit for three years;

(b) to have resided thereon or in the vicinity thereof as hereinafter provided for at least six months in each of three years from the date of entry, or the date of commencement of residence;

(c) to have cultivated in each year a satisfactory area of the land;

(d) to have erected a habitable house;

(e) to have paid in full the loan, if any, and interest thereon made to him on the land entered for under the provisions of the Soldier Settlement Loan Regulations, and other charges, if any;

(f) to be a British subject, except as otherwise provided.

RESIDENCE.

“**Residence**” for the purpose of these regulations shall be by the settler in person upon the land entered for or in the vicinity thereof, as hereinafter provided. Such residence shall be in a dwelling house which is the actual home of the settler during such period of residence.

Residence by a member of the settler's family or any other person as proxy on his behalf will not be accepted.

Any period of residence claimed by a settler towards obtaining patent for any land held by him under the Dominion Lands Act cannot at the same time be counted as residence in connection with his soldier grant.

Residence in vicinity: The provisions dealing with ordinary homesteads as to performance of residence duties in the vicinity are applicable also to soldier grant entries.

Cultivation duties on Soldier Grant entries. Except as noted below, the cultivation requirements for a soldier grant entry are the same as for an ordinary homestead.

If the settler is a holder of an entry in good standing for a homestead situate within nine miles of his soldier grant, or if he holds a homestead so situate for which he obtained patent and of which he is still the owner, the necessary cultivation in connection with the soldier grant may be performed on the homestead, provided that such cultivation is in addition to the cultivation he is required to perform in order to earn patent for his homestead and provided he is residing on his soldier grant or on his homestead.

Under this amendment a settler residing on a soldier grant or on his homestead may perform cultivation duties on the homestead. The area required to be cultivated in such cases by the settler remains the same as if he were residing on the soldier grant and performing cultivation on the same, namely, thirty acres.

Cultivation performed on the homestead, for which credit is taken in connection with a soldier grant entry, must be performed after the date of the soldier grant entry.

Substitution of live stock for cultivation;

Deceased Entrants;

Insane Entrants;

The provisions as to duties under these heads with regard to soldier entries are the same as ordinary homestead entries.

Patent: Application for patent may be made, after completion of the settlement duties, in the same way as for an ordinary homestead.

If the proof of the completion of the conditions of entry has not been furnished as herein prescribed, within five years from the date of entry, the right of the entrant in connection with the land entered for shall be liable to forfeiture.

Soldier Loan.

When a settler obtains Dominion Lands, whether by soldier grant or otherwise, and whether before or after having secured from the Board any advance pursuant to this Act, while there is owing by him to the Board any sum or sums of money as the result of any sale made to him by the Board or otherwise by reason of the exercise by the Board of any of its powers under the Act, such sum so owing shall constitute a first charge on the lands so obtained and no patent shall be issued to such settler therefor until such sum or sums, with accrued interest, have been fully paid or repaid.

In the cases mentioned in the preceeding section the entrant, or, in the event of his death, such person as would be entitled to receive patent, had all the conditions been completed, may receive a Certificate setting forth that the requisite settlement duties have been completed, and that upon the indebtedness incurred under the Act being discharged, patent shall issue in the name of the person entitled to receive the same under these regulations.

INTERCHANGE OF ENTRIES.

For cause shown any two entrants whose entries are in good standing may be granted permission to interchange their respective entries, provided that the security furnished by a settler who has obtained a loan under the Act will not be impaired by such interchange.

Pre-emption taken as Soldier Grant.

If the holder of a pre-emption desires to secure the land as a soldier grant, he should execute a declaration of abandonment in the usual way setting forth the purpose for which he abandons,

and also furnish evidence on Form 325 that he is eligible for soldier grant entry, after which he may, on furnishing the required Certificate of Attestation, secure re-entry for the land as a soldier grant.

Money paid on account of the purchase price will not be refunded.

Any residence performed on the appurtenant homestead in connection with the pre-emption, after the duties for the homestead were completed, may be counted in connection with the soldier grant entry. For instance, if a man has completed his ordinary homestead duties and has afterwards performed six months' residence which would count for his pre-emption, such term of six months could be accepted as a like period of residence in connection with his new soldier grant entry. Military service does not count as residence in connection with a soldier grant.

Cultivation: A settler residing on his soldier grant or on his homestead may perform on the homestead the cultivation duties required for the soldier grant. In such cases thirty acres of cultivation (or the equivalent thereof, if the land is difficult to break for any reason) is required over and above the area necessary to earn patent for the homestead, and this work must be done subsequent to the earning of patent for the homestead. If there is not, on the homestead and soldier grant combined, sixty acres of tillable land, application may be made for the privilege of substituting stock in order to earn patent for the soldier grant.

An entrant who performs the residence for his soldier grant elsewhere than on the homestead or the soldier grant must perform his cultivation on the soldier grant and will require a total of fifty acres cultivation for the soldier grant, or the equivalent thereof if the land is difficult to break.

Purchased homestead: The foregoing regulations applies, with the necessary changes, to purchased homesteads. In the case of a soldier applying to have his purchased homestead converted into a soldier grant, all duties performed in connection with the purchased

homestead would count in connection with the soldier grant entry (with the exception of time spent on military service, which would not count as residence in connection with the soldier grant entry).

CANCELLATION OF ENTRY.

An entry may be cancelled for any of the following reasons:—

(a) If the entrant fails in any year to perform the prescribed settlement duties;

(b) If an entry has been obtained on granted through error, or misrepresentation, or other fraud;

(c) If an entrant, being one who has obtained a loan from the Soldier Settlement Board, fails to pay the instalments of principal and interest at the times when they are payable, or fails to comply with any term or condition subject to which the loan is made;

(d) If he fails to pay for improvements or any charge outstanding against the land in connection with seed grain, relief, or other liability of any previous entrant or holder of the land;

(e) If an entrant has assigned, mortgaged, or transferred, or agreed to assign, mortgage, or transfer the land held by him under entry, unless otherwise provided.

Where an entry has been cancelled for any reason, all the rights of the entrant with respect to the land held by him shall thereupon cease and determine; but where deemed advisable a refund may be made to the person responsible for the improvements, of the whole or part of the money collected on account of such improvements from any subsequent holder or occupant of the land.

ADMINISTRATION.

In respect of the reservation of lands, and the cancellation of such reservations, the classes of lands open to entry, the advertising or posting of lands, the granting of entry, the settlement of conflicting claims to land, the performance of the conditions of entry, the proof of the completion of duties, the issue of patent, the interchange

of entries, the abandonment of entries either unconditionally or in favour of a relative, and the cancellation of entries, wherever action is to be taken, such action will be carried out through the Department of the Interior. Correspondence on such matters should be conducted with the Local Agent of Dominion Lands or with the Department of the Interior, Ottawa, the same as in the case of ordinary homestead lands.

IMPORTANT NOTICE.

Certificates of Attestation, Certificates of Qualification, Soldier loans;

All correspondence on these subjects should be addressed to the District Superintendent, or to the Soldier Settlement Board, Ottawa.

DEPARTMENT OF THE INTERIOR,

Ottawa, 2nd January, 1924.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1924